5/23/73

Dear Herb,

Because I am aware of what time pressures, emotions and excitement can do to the most level-headed and most competent reporter, please understand that I am not making an accusation or anything like that. I don t for a minute think that any nastiness was the intent or deliberate.

At the end of today's dramatic Alch testimony, Carl Stern, after making some comment about Bud Fensterwald's interest in political assassinations, said something to the effect that it was because of this interest and nothing else that Bud had come to public attention in Washington and that only recently. These are not his exact words, but it is the sense I took from them.

It is not an accurate representation of a lawyer who, before going into private practise, was on the staffs of Tom Hennings and Estes Kefauver. Even less does it reflect the career of the counsel for the Senate committee from which the Freedom of Information law issued. Maybe Carl is unaware of it, but Bud was counsel for the Senate investigation of wire-tapping. And there he was so little a party-lining Democrat that he questioned Bobby Kennedy when no member of the committee had the courage.

Is not Bud better known as James Earl Ray's counsel? Lest you assume that this is connected with his committee, I arranged that, and I am not a member of his committee, nor have I ever been. He has the Ray case without fee, as he is handling the FOI case for me of which you know. It is, with him, a matter of principle, and his interest in freedom of information preceeds the organization of his committee, by more than two years to my knowledge. In the Ray case and with me, he is not getting his costs back and in my FOI case, he paid all the costs of appeal.

Or, without intending it, NBC slandered a man who puts his money where his mouth is (principles are).

In this case, you appear also to have been conned by Alch's testimony in more than the two cases I cite. He denied that of which McCord did not accuse him, for McCord did not say that he would fake McCord's CIA records. I think a proper question is why did Alch so grossly misstate the issue. I can understand how a competent reporter, who can't follow complexities like these, can fail to catch them, but I can't conceive innocence in the gross misrepresentation by Alch. Nor can I conceive of Bud's saying what Alch said he was quoting directly, that Bud would be out to get Nixon. I can easily understand that Bud would give as his opinion following a certain line in defense of McCord would, if it succeeded, have this effect. Examine what has happened since McCord wrote Sirica if you want validation of the opinion.

I write just before your evening net news, so I don t know if anyone will catch these things. As of this moment, being suckered by Alch has just done more to exculpate Nixon than any one thing to date, and it is not factual. It is, in effect, a successful propaganda ploy that was in no sense necessary to Alch's purposes, to say McCord did not fairly represent his relations with Alch. I wonder why?

Toward the end of March, in your absence I loaned one of your associates some material on E. Howard Hunt. He was to return it in a few days. I then wrote you about this, without answer. I was in Washington on the 15th. In your absence I left a message. It would take time and money I do not have to replace these things. I would appreciate getting them.

Sincerely,

Harold Weisberg